

2300-320-3 - THE NIH VISITING PROGRAM

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A. Purpose The purpose of the NIH Visiting Program is to provide opportunities for distinguished foreign scientists at all levels of their careers to work with senior NIH investigators on problems of mutual interest. By facilitating exchange of information and promoting collaborative research, the program advances knowledge in the health sciences and enhances the NIH environment. In addition, by fostering close relationships between Visiting Program participants and intramural staff, the NIH Visiting Program positively influences the development of biomedical research and research resources internationally.

The NIH Visiting Program is composed of Visiting Fellowship awards and Visiting Associate and Visiting Scientist appointments. This issuance describes both components of the NIH Visiting Program.

## B. References

1. Visiting fellowships are authorized by section 307 of the Public Health Service Act [42 U.S.C. 242(1)] and PHS Regulations at 42 CFR, Part 61, Subpart A.
2. Service fellowships are authorized by sections 207(g) and (h) of the Public Health Service Act [42 U.S.C. 209(g) and (h)] and PHS Regulations at 42 CFR, Part 61, Subpart B.
3. HHS Personnel Instruction 300-5 Employment of Noncitizens.
4. HHS Personnel Instruction 771-3 Employee Grievances.
5. NIH Manual 1130, Delegation of Authority, Personnel No. 5, Service Fellows.

## C. Definitions\*

1. Visiting Fellowship (VF) An award to a foreign scientist, with 3 years or less of relevant postdoctoral research experience, offering advanced research experience and training and not requiring the performance of services for the NIH.

\*A glossary of other terms used in this manual issuance appears in Appendix 8.2. Service Fellowship An appointment that requires the

performance of services for the NIH. In the Visiting Program, there are two levels of service fellowships, Visiting Associates and Visiting Scientists. The difference between the two is determined by the number of years of relevant postdoctoral research experience of the recipient.

(a) Visiting Associate (VA) A recipient of a service fellowship with at least 3 years of relevant postdoctoral research experience.

(b) Visiting Scientist (VS) A recipient of a service fellowship with at least 6 years of relevant postdoctoral research experience.

D. Responsibilities The NIH Board of Scientific Directors is responsible for establishing internal policy and procedures implementing the NIH Visiting Program.

Direction and management of the NIH Visiting Program is a joint responsibility of the Deputy Director for Intramural Research (DDIR), NIH; the Associate Director for Intramural Affairs (ADIA), NIH; the Division of Personnel Management (DPM); and the Foreign Scientists Assistance Branch (FSAB), Fogarty International Center (FIC). The DDIR, ADIA, Board of Scientific Directors, and DPM establish policy, and the FSAB administers the program.

Each BID\* sponsor of a Visiting Program participant is responsible for identifying proposed participants, securing internal BID approvals and the approval of the Associate Director for Intramural Affairs, and providing needed requests to FSAB. Sponsors should consult the "Handbook for

Sponsors of Participants in the NIH Visiting Program" for more detailed instructions (copies available from FSAB, FIC). Each BID sponsor is also responsible for ensuring that research conducted by Visiting Program participants is reviewed under the same procedures as other BID research projects, and that participants receive appropriate instructions in safety procedures and the proper use and care of animals and equipment.

\*The acronym "BID" no longer means "Bureau, Institute and Division." As defined in the NIH Manual 1122, BID is an "NIH organizational term encompassing all research institutes, the National Library of Medicine, and Divisions and Centers (DRG, DRS, DRR, DCRT, CC, FIC, NCNR) that report to the Director, NIH.

"Each BID Personnel Officer is responsible for advising program officials on Visiting Program requirements and necessary documentation, verifying that candidates meet qualifications and basic eligibility criteria, and reviewing documents for appropriateness, completeness, and accuracy.

## E. Program Provisions

### 1. Eligibility Criteria

#### VISITING FELLOW (VF):

Citizenship: non-U.S. citizen, resident or nonresident alien with a valid working visa (see Appendix 1).

Degrees: a doctoral or equivalent degree in the health sciences; and

Experience: 3 years or less of relevant postdoctoral experience.

#### VISITING ASSOCIATE (VA):

Citizenship: a U.S. citizen<sup>1</sup> or resident or nonresident alien with a valid working visa (see Appendix 1).

Degrees: a doctoral or equivalent degree in the health sciences or equivalent level experience.

Experience: at least 3 years of relevant postdoctoral research experience or equivalent experience or training, and have knowledge needed to further research studies.

#### VISITING SCIENTIST (VS):

Citizenship: a U.S. citizen<sup>1/</sup> or resident or nonresident alien with a valid working visa (see Appendix 1).

- 1/ VAs and VSs may be U.S. citizens, but appointment of a U.S. citizen may be requested only on limited occasions, i.e., when a Civil Service, Staff, or Senior Staff Fellow, or Commissioned Corps appointment is not feasible and subsequent conversion to a permanent appointment is not anticipated, e.g., U.S. scientists on sabbatical leave from a university or individuals on brief leaves of absence from a research institution to which they have a continuing commitment.

Degrees: a doctoral or equivalent degree in the health sciences; and

Experience: at least 6 or more years of relevant postdoctoral research experience.

Candidates are assured equality of opportunity and may not be excluded from consideration for the NIH Visiting Program on the basis of race, color, religion, sex, marital status, handicap, age, or national origin.

The United States Information Agency (USIA) informed NIH that although some officials believe that their Exchange Visitor Visa Programs authorize them to assign Exchange Visitors to other institutions, this is entirely erroneous--unless the program description specifically states that the institution has such authority. Contrary to implying such assignments, the Exchange Visitor regulations preclude any assignments to other institutions. Additional research or teaching outside of the NIH's program is prohibited. The fact that another institution/university does the same kind of work does not authorize NIH to assign a nonimmigrant to another institution. Nonimmigrants enter the U.S.

according to pre-arranged conditions and with pre-approved objectives.

VFs, VAs and VSs must observe rules on laboratory operation, misconduct in science, and use of human and animal subjects.

## 2. Award and Appointment Considerations

### a. Requirements and Limitations

#### VISITING FELLOWS:

Award: receive an award for a period of research experience. Initial awards may be made for 1 or 2 years and extended for a total of 3 years.

Employee status: are not NIH employees and, therefore, neither provide services to NIH nor receive training in grants, contracts, or any administrative functions at NIH. Each VF is to be physically present in NIH research facilities and not assigned elsewhere.

Functions: may not have patient-care responsibilities. Patient contact as a part of the research experience, such as patient observation, in which VFs do not assume any patient care responsibilities, is permitted by NIH J-1 Visa Authority. Such VFs will have the following statement attached to their J-1 certificates (Form IAP 66):

"This certifies that the program in which Dr. \_\_\_\_\_ is engaged is solely for the purpose of observation, consultation, teaching or research and that no element of patient care services is involved."

Outside activities: may not engage in outside employment and or teaching.

Position ceiling: do not count against an Institute or Division (BID) position ceiling. However, the total number of VF awards given within each BID may not exceed the total number of senior intramural

staff investigators (GS-13, or equivalent level Commissioned Officers, and above) within that BID.

Conversion to employee status: who become eligible for VA positions after arrival at NIH may be considered for appointment only after having completed at least the first full award period as VFs.

#### VISITING ASSOCIATES AND VISITING SCIENTISTS:

Appointment: are appointed to conduct basic and applied research studies and investigations related to health in NIH intramural laboratories. VAs and VSs ordinarily are appointed for 12- or 13-month periods, but the period may be shorter. Subject to visa requirements, a 2 year initial award may be approved. Appointments may be extended for a total of 4 years. Permanent resident VAs and VSs may be temporarily assigned to duty stations outside of NIH if they are conducting official business. However, visa restrictions prohibit assigning non-immigrants to universities or other institutions.

Employee status: perform services for the NIH and are considered to be employees.

Functions: are not eligible to perform administrative or extramural functions. If otherwise qualified, and subject to visa restrictions, some foreign physicians may be appointed as VAs under the NIH Visiting Program at the same salary as NIH Medical Staff Fellows. (It should be noted that visa restrictions normally limit foreign physicians to "incidental patient contact." Because of these normal restrictions, the Foreign Scientists Assistance Branch, FIC should be consulted before any foreign physicians are invited to NIH to engage in patient care activities.) See Appendix 1.

Outside Activities: Visa restrictions preclude nonimmigrants from engaging in outside activities. In addition, as employees, VAs and VSs are bound by HHS Standards of Conduct on outside employment (45 CFR 73). See NIH Manual 2300-735-4.



Position Ceiling: as employees, VAs and VSs count against the FTE ceiling of each BID.

Conversion to Permanent or Tenured Status: See Appendix 6 -Intent for Tenure.

b. Travel

VISITING FELLOWS:

VFs are not reimbursed for expenses associated with their travel to or from NIH.

BIDs may, at their discretion, and subject to the availability of funds, authorize the payment of travel expenses for VFs to scientific meetings or to present scientific papers during the award period.

VISITING ASSOCIATES AND VISITING SCIENTISTS:

Payment of travel expenses for VAs and VSs is at the discretion of the sponsoring BID and is subject to the availability of funds. If authorized on the Form NIH 829-1, VAs and VSs will be reimbursed only for direct economy airfare to and from NIH. BIDs prepare the travel orders and vouchers in accordance with Federal travel regulations. The original of the arrival travel order is to be sent to FSAB for inclusion in the appointment package.

Travel must be made on U.S. flag carriers. NIH does not pay any other travel expenses, such as dependents' travel, excess baggage, or the cost of transporting household goods.

BIDs may, at their discretion, and subject to the availability of funds, authorize the payment of travel expenses for VAs and VSs to scientific meetings or to present scientific papers during the appointment period.

Exceptions

(1) BIDs may, at the discretion of the Scientific Director, authorize reimbursement for transportation of

household effects for VAs from the point of entry into the United States to NIH if they are appointed to positions similar to Medical Staff Fellows.

(2) On rare occasions a BID may request full travel expenses and transportation of household effects from the home country of a VA or VS. Such requests must be justified in writing and approved by the Deputy Director for Intramural Research or the Associate Director for Intramural Affairs.

(3) After a travel exception under (1) or (2) is granted, the travel orders and vouchers are prepared by the BID.

c. Benefits and Deductions

VISITING FELLOWS:

Health Insurance: Visiting Fellows are ineligible for Federal Employees Health Benefits; however, they must be covered by adequate health insurance in order to use NIH facilities. An approved plan of health insurance is available through the Foundation for Advanced Education in the Sciences, Inc. (FAES). Funds for health insurance are provided from intramural funds of the sponsoring BID for low-option coverage only. VFs may arrange with FAES for the difference between low- and high-option coverage to be withheld from their stipend. See NIH Manual 2300-320-2.

Occupational Medical Service: VFs may use the Occupational Medical Service for injuries occurring in the laboratory and for emergency dental care. VFs are not covered by worker's compensation because they are not employees.

Leave: Since VFs are not employees, they do not earn leave. They are, however, excused on Federal holidays; and sponsors shall excuse VFs for reasonable cause, such as ill health, maternity reasons, etc. Sponsors should make their views on excused absences known to each program participant before he/she is awarded a visiting fellowship. Sponsors should grant excused absence for a

reasonable period of time annually, e.g., two weeks to allow for cultural exchange and relaxation. Such excused absence, however, cannot be permitted during the last two weeks of the award period. Neither the duration of the award period nor the original termination date of the fellowship can be extended because of lost time. Stipends and health insurance will continue only through excused leaves of absence.

**Social Security:** Since a visiting fellowship is an award for research experience and training, Social Security (FICA) is not deducted from stipends.

**Taxes:** Each VF is subject to some form of taxation on his/her stipend. Visiting fellowship stipends generally have certain Federal income tax advantages. (Further details on income tax provisions are provided in Appendix 2.)

## VISITING ASSOCIATES AND VISITING SCIENTISTS

**Health insurance, leave, and other benefits:** VAs and VSs are eligible for the same benefits and subject to the same deductions as Civil Service employees, except for group life insurance, retirement, and health benefits. The benefits and deductions for which VAs and VSs are eligible vary depending upon the length of their appointment. Individuals initially appointed for 12 months or less are not eligible for retirement, life insurance, or health benefits. Those initially appointed for 13 months, or subsequently extended for 13 months, are eligible for all three programs. For a comparison of benefits under 12-or 13-month appointments, see Appendix 3.

**Taxes:** Federal and State taxes are withheld. See Appendix 2.

### d. Publications and Presentations at Meetings:

The publication and presentation of scientific discoveries by all Visiting Program participants are governed by the same policies as for other scientists involved in research at the NIH. See NIH Manual 1183.

## e. Patent Rights:

Rights of the Government in and to inventions conceived or actually reduced to practice are governed by all provisions of Executive Order 10096, dated 23 January 1950, and any orders, rules, regulations, or the like issued thereunder. See NIH Manual 1190.

## 3. Payment Policies and Terms

## VISITING FELLOWS:

Stipends: Stipends are paid from BID intramural funds in accordance with the following schedule:

## PER ANNUM STIPEND SCALE FOR VISITING FELLOWS (EFFECTIVE 01/01/87)

Years of Relevant Postdoctoral Experience Upon Entrance on Duty	Entrance Stipend
0-1	\$20,000
1-2	21,500
2-3	23,000

The initial stipend check will be issued within 10 days following the VF's arrival at NIH. Subsequent stipend checks are mailed by the Treasury Department and are usually received by the tenth working day of each month. Checks are mailed either to the VF's residence or directly to the bank for deposit.

The Director, Division of Personnel Management, NIH, will periodically review VF stipend levels for comparability with awards for other training fellowship programs, such as those granted under the National Research Service Award Act (42 U.S.C. 2891-1) and recommend adjustments when necessary to the Board of Scientific Directors. The

Director,NIH, with the advice of the Board of Scientific Directors, may authorize across-the-board adjustments in VF stipend levels.

#### VISITING ASSOCIATES AND VISITING SCIENTISTS:

Stipends: Visiting Program personnel on service fellowship appointments will be paid for professional scientific duties similar to those performed by professional NIH staff members in the Civil Service assigned to health research and investigation. The following factors should be considered in determining the amount of the stipend to be awarded to a VA or VS:

- (1) the qualifications of the candidate;
- (2) the compensation a candidate might be expected to receive outside the Federal system for work similar to the fellowship assignment.

Initial stipends for VAs and VSs are proposed by the sponsoring BID and approved by the Deputy Director for Intramural Research, NIH, or the Associate Director for Intramural Affairs, NIH. Proposed stipends should fall within the equivalency ranges provided below:

- (1) VA stipends are rounded from the nearest thousand dollars and range from the first step of the GS-9 to the tenth step of the GS-12. Special care should be taken when setting stipends for individuals converting from Visiting Fellowships to VA appointments to take into account the loss of training fellowship tax deferments upon conversion and the increased costs of having to pay for health benefits.
- (2) VS stipends should range from the first step of the GS-12 level to the maximum allowable salary of the General Schedule. Pay rates above the maximum payable limit may not be established. When the statutory limit is raised, VSs receiving the maximum stipend may be recommended for an increase on an individual basis. Such increase is not

granted across the board to all VSs at the pay cap. See Section F-2-b, "Stipend Increases."

Stipends are paid from BID intramural funds on a biweekly basis.

#### 4. Exceptions

In individual cases, the sponsor may believe that an exception to the provisions in this chapter is warranted. Exception requests may concern: travel benefits, stipend levels, extensions of VAs and VSs beyond 4 years, and total number of Visiting Program awards or appointments permissible within a BID.

Exception requests must be justified by the sponsor in writing and include the nature of and basis for the exception. Requests must be routed through the BID Scientific Director; the BID Personnel Officer; the Assistant Director for Operations, DPM; to the Associate Director for Intramural Affairs, NIH, or the Deputy Director for Intramural Research, NIH; and then to the Foreign Scientists Assistance Branch, FIC.

Either the Deputy Director for Intramural Research, NIH, or the Associate Director for Intramural Affairs, NIH, is authorized to grant exceptions to the program provisions. The approved request for an exception must be attached to the personnel action when the action is forwarded to the FSAB, FIC. The approved original request must be included in the Official Personnel Folder of the VA or VS.

#### 5. Resolution of Complaints

- a. Visiting Fellows are not employees, therefore, they are not covered by standard HHS grievance procedures for resolving any problems or complaints that may develop associated with their training assignments. Should VFs encounter any problems or have any complaints, they should attempt to seek mutually satisfactory solutions with their sponsor. If problems cannot be resolved at this level, VFs should seek informal resolution of problems by consulting their Intramural Administrative Officer, the BID

Personnel Officer, or their Scientific Director.

When differences occur between BID sponsors and Service Fellow program participants that cannot be resolved through informal discussions, VAs and VSs may avail themselves of standard HHS grievance procedures. These procedures are detailed in HHS Personnel Instruction 771-3.

6. Revocation of Awards or Appointments

- a. Service Fellows appointments may be terminated prior to the expiration date of their current appointments for major breach of personal or scientific conduct, as defined in the HHS Standards of Conduct or for such other cause as may compromise the efficiency of the Service. Decisions on whether to terminate appointments must be based on a careful review of the specific circumstances of each case.
- b. Visiting Program awards or appointments may be revoked in whole or in part by the Deputy Director for Intramural Research, acting upon specific requests by BID Directors, provided that the revocation may not include repayment of funds that participants have already received.

F. Program Procedures The procedures listed below have the following deadlines, i.e., dates by which approved papers on Visiting Program participants must be received in the Foreign Scientists Assistance Branch.

Awards and Appointments: Minimum of 90 days before proposed effective date.

Extensions for 90 Days or Less: Minimum of 60 calendar days before current award or appointment ends.

Renewals and Stipend Increase: Minimum of 60 calendar days before current award or appointment ends.

Conversions to Other Service Fellowships, Expert or Civil Service Status: At earliest possible date, but no later than 30 days before current appointment ends. Conversions must have the concurrence of FSAB, FIC.

Terminations: Minimum of 60 days before current award or appointment ends.

Entrance-on-Duty (EOD) Dates: These dates will be set by the Foreign Scientists Assistance Branch, FIC. The BID proposed effective date will be observed as closely as possible. However, requests that arrive in FSAB, FIC, after the deadlines will have the proposed EOD date adjusted. (VAs and VSs are expected to EOD on the first working day of a pay period, unless that Monday is an official holiday.)

## 1. Initiation and Implementation of Awards of Appointments

### a. BID Role: Before Arrival

There is no formal application process. NIH sponsors identify and invite Visiting Program participants. Offers of service fellows appointment are extended following recommendations based on an evaluation of the qualifications of candidates.

This evaluation may be conducted either: by a BID review board established for the purpose of evaluating the qualifications of candidates for service fellowships; or, by having the prospective supervisor and his/her Laboratory or Branch Chief and the Scientific Director review the information presented in the application and supporting papers to determine whether the candidate's education, experience, and qualifications are suitable for a service fellowship assignment.

The sponsor of a VF completes Form NIH 829-2, Request for Visiting Fellowship Award. This form must include specific research training plans and must be reviewed by the BID Scientific Director, the BID Director, and either the Associate Director for Intramural Affairs or the Deputy Director for Intramural Research.

The sponsor of a VA or VS completes NIH Form 829-1, Request for Appointment to the NIH



Visiting Program. A concise, but informative, description of the proposed research plan should be provided.\*

\*Visiting Program participants who plan to bring biological materials or live animals to the United States must be advised by the sponsor that importation permits may be required (see NIH Manual 1340-1). The prospective participant's sponsor should offer assistance in obtaining necessary permits through the Occupational Safety and Health Branch, Division of Safety, NIH (Bldg. 13/3K04, 496-2960) and the Veterinary Resources Branch, Division of Research Services (Bldg. 28/111, 496-4463). The United States Department of Agriculture issues permits to authorize the importation of animal materials and the United States Public Health Service issues permits to authorize the importation of human biological materials. (Note that especially in the case of importation of animal materials, several weeks may be required for both issuing of the permit, and for safety testing or quarantine if required. Consequently, the participants in the Visiting Program are advised to make application for importation permits at least 60 days in advance. This advice is intended to avoid disappointment, frustration, and delay on the part of participants who need to bring biological materials to the United States for use in their work.) The following documents are also required for all program participants:

- (1) curriculum vitae
- (2) bibliography
- (3) SF 171, Personal Qualifications Statement
- (4) letters of reference (three for VFs; two for VAs and VSs\*\*)

\*\*No pledge of confidentiality may be made to individuals providing references on candidates for the Visiting Program who are either U.S. citizens or aliens admitted to the United States as permanent residents.

- (5) copy of doctoral degree\*
- (6) SF 52, Request for Personnel Actions (not required for VFs)
- (7) Information on each family member who will accompany the participant. Include the following: full name of each family member; maiden name of wife; date, city, and country

- of birth; and citizenship(s). Passport numbers and expiration dates must be provided for individuals already in the United States.
- (8) Cover memorandum form sponsor to associate Director for Intramural Affairs.

Lab/Branch Chief approves Form NIH 829-1.

The BID Scientific Director reviews the request and, if he/she concurs, sends the original documents and two copies of the package to the BID Personnel Office (sends the original documents and three copies, if the individual is an M.D.).

\*If the copy of the candidate's doctoral diploma is written in a foreign language, it must be accompanied by a certified translation from the foreign language into English. (If the candidate has fulfilled the requirements for the degree, but the degree has not yet been awarded, a letter from the chancellor, academic registrar, or dean of the university must be submitted, stating the facts and giving the date the degree will be conferred. Letters from professors or advisors are unacceptable. A copy of the actual degree, however, (and translation if not in English or Latin) must be submitted to FSAB as soon as possible and before any renewal or extension of an award may become final.)

The BID Personnel Office enters on the SF 52 the data prescribed in Appendix 5, retains one package, and forwards the original and one copy (two if M.D.) to the Deputy Director for Intramural Research, NIH, or the Associate Director for Intramural Affairs, NIH, over the signature of the BID Director (or the Division Director within an Institute). BID Directors may delegate approval authority to their Scientific Directors.

If the Deputy Director for Intramural Research, NIH, or the Associate Director for Intramural Affairs, NIH, approves the proposed award or appointment, he/she signs either the original Form NIH 829-2 or 829-1, retains one package, and forwards the original (and one copy if an M.D.) to the Foreign Scientists Assistance Branch, FIC.

After arrival of the VF, VA, or VS, the BID sponsor:

meets them, helps find housing for the VF, VA, or VS and his/her family, and introduces them to the scientific community.

telephones the Foreign Scientists Assistance Branch, FIC, to schedule an appointment for the VF, VA, or VS to sign activation papers and to receive orientation. (It is a courtesy for the BID sponsor to accompany the foreign scientist to the Foreign Scientists Assistance Branch.)

assures that intramural funds are provided for the stipend and VF's low-option health insurance.

initiates action to assure payment for (subject to availability of funds) the VF's supplies and other appropriate expenses, e.g, meeting travel.

submits time cards for VAs and VSs.

b. FSAB Role: Before arrival

helps to obtain the necessary clearances from the Immigration and Naturalization Service (INS), Department of Justice, and Department of State, so that the Visiting Program participant may enter the United States if he/she is a foreign national. Awards and appointments are contingent upon approval of the participant's entry or continuation of stay in the United States under all existing Immigration and Naturalization Service regulations.

prepares a letter, to be signed by the Director, FIC, notifying the Visiting Program participant of his/her award or appointment and the date of entrance on duty. The Award or Appointment Letter sets forth the conditions of the award or appointment as well as a brief description of the research training plan or research assignment. If applicable, this letter also discusses the prospects of and conditions for a possible renewal of the award or appointment. FSAB includes Form IAP 66, (when necessary for the participant to obtain a J-1 visa), with the Award or

Appointment Letter, along with other documents of specific need or interest to the participant, e.g., travel orders, information on benefits, taxes, and immigration.

serves as the contact point for any questions a Visiting Program participant may have concerning the conditions of his/her award or appointment, travel, stipend, benefits, etc. (Program participants will also notify, in writing, the FSAB, FIC, of their acceptance of the terms and conditions of the fellowship award or appointment).

sends a copy of the award letter to the Personnel Officer of the gaining BID, so that they will be prepared for the arrival of the Visiting Program participant in their organization.

prepares an NIH ID and a Social Security card application.

requests an NIH library card from the Division of Research Services.

completes Form PHS 1485, Approval List, to encumber funds for stipend and health insurance for VFs.

After the participant's arrival, the FSAB:

For all participants:

receives participants and conducts special orientations (e.g. immigration and income tax matters) (also includes spouses as necessary).

completes Form NIH 356, Acceptance Notice - The Visiting Program.

prepares Forms W4 and MW-507, or other appropriate forms for tax withholding. publishes monthly reports of program activity for DDIR, NIH, and ADIA, NIH, and the BIDs.

sends monthly listing of new arrivals to the NIH Safety Operations Section, OSHB, DS, OD for these individuals to be included in the laboratory safety

programs.

notifies embassies of the arrival of their nationals.

For Visiting Fellows:

prepares Form PHS 416-5, Fellowship Activation Notice, and forwards it to the NIH Fellowship Payroll Unit, Division of Financial Management, for VFs.

completes either Form NIH-2542-1, Election of Health Insurance Plan through FAES, or Form NIH-2542-2, Election of Health Insurance Plan through Private Company.

makes an appointment for a medical examination (See NIH Personnel Instructions 339-2 "Medical Evaluation for Assignment to NIH Positions").

telephones the NIH Servicing Personnel Office (SPO) or the Agents of the NIH SPO to notify them of the arrival of VAs and VSs.

completes SF 52, Request for Personnel Action for VAs and VSs, as prescribed in Appendix 5.

sends the foreign scientist to the SPO with the completed SF 52, W4, MW-507, I-9 (or other forms as appropriate) and a covering memo from FSAB. The foreign scientist will finalize the entrance on duty process in the SPO.

c. After the Arrival of VAs and VSs only, the BID SPO:

obtains completed SF 61, Appointment Affidavit, and SF 61B, Declaration of Appointee. (Nonresident aliens need not complete Section A, Oath of Office, of SF 61.)

obtains completed SF 85, Data for Nonsensitive or Noncritical - Sensitive Position. makes an appointment for a medical examination when necessary (see NIH Personnel Instruction 339-2, "Medical Evaluation for Assignment to NIH Positions").

fingerprints participants.

completes TAPS code sheet on personnel data and is responsible for the collection of minority data in accordance with Appendix 5, Part B.

notifies timekeeper to submit time cards for VAs and VSs.

explains retirement benefits and health and life insurance programs, if applicable.

## 2. Renewal of Awards or Appointments

### VISITING FELLOWS:

The BID requests the original award for either 1 or 2 years.

### VISITING ASSOCIATES AND VISITING SCIENTISTS:

VAs and VSs are ordinarily appointed for 12- or 13-month periods, but the period may be shorter. It is the option of the BID to elect the period that is most advantageous to it and to the Visiting Program participant.

#### a. Renewal of Awards and Appointments

(1) Visiting Fellowship awards may be renewed, in 1 to 2 year increments, up to a maximum duration of 3 years in the program. Renewal of VF awards is subject to the approval of the Deputy Director for Intramural Research or the Associate Director for Intramural Affairs, and the Immigration and Naturalization Service.

(2) BIDs may renew and extend Visiting Associate and Visiting Scientist appointments, in 1 to 2 year increments, up to a maximum duration of 4 years unless a specific exception is granted by the Deputy Director for Intramural Research or the Associate Director for Intramural Affairs.

(3) The maximum duration of service in the Visiting Program is 7 years (including any time served as a

Visiting Fellow or Guest Researcher or Expert or any other time spent on any J-1 visa in the U.S.) unless an "intent for tenure" has been presented to the NIH Board of Scientific Directors and approved by the Deputy Director for Intramural Research or Associate Director for Intramural Affairs (see Appendix 6). All renewals are subject to approval by the Deputy Director for Intramural Research or Associate Director for Intramural Affairs, NIH, and are contingent on compliance with Immigration and Naturalization Service (INS) regulations. (See Appendix 1.)

If the sponsor decides renewal of the award or appointment in the Visiting Program is warranted, he/she requests approval by:

submitting through the same channels used for the initial award or appointment: Form NIH 829-2 or 829-1, an updated curriculum vitae, bibliography, and SF 171, and (for VAs and VSSs) an SF 52; and

writing a memorandum of recommendation to accompany each request for renewal. The memorandum of recommendation should contain an explanation of the reason for renewing the award or appointment and justification for any VA/VS stipend increase. The memorandum may provide additional information, not included on the Form NIH 829-1 or 2, such as justification for prolongation of the award/appointment and visa status of the individual beyond the normal limits.

The Foreign Scientists Assistance Branch, FIC, processes renewals in the same manner as the initial award or appointment. (See Appendix 4.)

#### b. Stipend Increase

A VF stipend is increased for an individual whose award is renewed. As shown below, the renewal stipend is increased at the rate of \$1,500 per annum over the preceding year's stipend. (These levels were effective 01/01/87.)

Years of Postdoctoral	Entry	Stipend	Renewal
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## Stipends

Experience Upon EOD		1st year	2nd year
0-1	\$20,000	\$21,500	\$23,000
1-2	21,500	23,000	24,500
2-3	23,000	24,500	26,000

BIDs may recommend stipend increases on the basis of merit, if deemed appropriate, for those VAs and VSs whose appointments they wish to extend/renew. The recommendation for a merit increase should coincide with the request to extend/renew an appointment.

The amount of each stipend increase must be justified in the memorandum of recommendation that accompanies each request. Upon approval, the stipend increase will be made effective at the beginning of the pay period during which the anniversary date falls. The justification for a stipend increase\* will reflect the VA's or VS's research achievements based on the following criteria:

- \$1,000: The VA or VS must be achieving the research goals and objectives established at the time of the appointment.
- \$1,500: The VA or VS must be significantly exceeding the research goals established at the time of appointment.

Stipend increases will be processed on an SF 52, Request for Personnel Action, as a "Pay Adjustment" through the FSAB, FIC. Stipend increases for VAs and VSs will be made effective at the beginning of the pay period following completion of 52 weeks of

\*Stipend increases in excess of \$1,500 must be approved by the Deputy Director for Intramural Research, NIH, or the Associate Director for Intramural Affairs, NIH. Any stipend increases regarded as being equivalent to a "promotion" should not exceed the amount that would be received by an employee at an equivalent level in the General Schedule system.service since the date of appointment or the last

stipend increase, except that stipend increases for VAs



and VSS initially appointed for 13 months will be made effective at the beginning of the pay period during which the renewal date falls.

When comparability pay increases are authorized for General Schedule employees, individual VAs and VSS are eligible for equivalent percentage increases in their stipends upon recommendation by their supervisors. BID personnel offices will process these stipend increases as "Pay Adjustments". The approval of the BID Scientific Director is required to authorize a stipend increase for a VA or VS. After the Scientific Director authorizes the comparability pay increase, the SF 52 is completed by the BID Personnel Officer and processed by the appointing authority, who sends a copy to FSAB, FIC. Approved stipend increases will be effective upon the same date as those authorized for General Schedule employees.

The Board of Scientific Directors periodically reviews the pattern of service fellowship stipend increases, as well as the range of levels, and--with advice from the Director, Division of Personnel Management--recommends to the Director, NIH, adjustments when needed to approximate more closely the salaries of comparable Classification Act and PHS Commissioned Corps positions. When the Director, NIH, authorizes extensions of VA or VS stipend level ranges, pay adjustments are requested on SF 52s by the BIDs and sent to FSAB, FIC.

#### c. Extension

The sponsor may request extension of an award or appointment for 90 days or less by memorandum to the BID Scientific Director (original and three copies) provided no salary increase is involved. The memorandum should clearly state the reason or necessity for a short-term extension.

An SF 52 must accompany the memorandum for VAs and VSS. These renewal actions require the same approvals as appointment requests. The FSAB, FIC, will process extensions in the same manner as appointments are processed.

Except for compelling reasons, no more than one short-term extension should be requested for a Visiting Program participant. Prolonging awards to allow a participant to seek a job elsewhere in the U.S. is insufficient reason, as participants should be encouraged to return to their home country.

d. "Intent for Tenure"

Occasionally a BID may want to retain the services of a VS indefinitely. Such scientists must be designated for "intent for tenure." All such requests are submitted in writing to the Deputy Director for Intramural Research, NIH, or Associate Director for Intramural Affairs, NIH, and must be reviewed and recommended by the NIH Board of Scientific Directors. (See Appendix 6 for discussion of policy and procedures for "intent for tenure.")

3. Conclusion of Awards or Appointments

- a. Termination This procedure occurs when the time period for the award or appointment is completed. The sponsor requests termination by memorandum Form NIH 829-5, Notification of Termination of Visiting Program Participation. Included in the memorandum should be the Visiting Program participant's forwarding address, the last day in pay status, the date and port of departure from the United States, the address to which the final paycheck should be sent, and the name and address of the new employer. (See Appendix 4 for sequence of actions.) Departing foreign participant must also obtain a certificate of compliance (see Appendix 7).

For VAs and VSs, an SF 52 with the nature of the action, either "Resignation" or "Termination of Excepted Appointment," should accompany the memorandum. The official personnel file (OPF) on VAs and VSs is handled in the same manner as the OPF for Civil Service personnel (see NIH Manual 2300-293-1).

VAs and VSs who wish to claim a refund of Civil Service retirement deductions are to complete Form OPM-1475, Application for Refund of Retirement Deductions, and file it with their BID Personnel Officer.

b. Certificate of Participation After termination, the FSAB, FIC, prepares a formal certificate of participation for the signature of the: Director, NIH; Deputy Director for Intramural Research, NIH; BID Scientific Director; and Laboratory Chief or sponsor. The certificate is mailed to the participant by the sponsor.

H. Program Evaluation The Division of Personnel Management will periodically evaluate the service fellowship segment of the NIH Visiting Program to determine whether it is functioning effectively and accomplishing the purposes for which was designed. The results of these evaluations, plus any recommendations for changes in the Program, will be coordinated with FIC and will then be presented to the Board of Scientific Directors for consideration. The Board of Scientific Directors will make recommendations for changes or modification to the Deputy Director for Intramural Research, NIH and the Director, NIH will be forwarded to the Assistant Secretary for Health, DHHS, as outlined in PHS Personnel Instruction 302-5.

I. Additional Information For additional information on this manual chapter, contact the FSAB, FIC on 496-6166.

J. Additional Copies For extra copies of this manual chapter, send a Form NIH 414-5 to the P&RB, DTS, in Building 31, Room B3BE07.

## Appendix 1 - Visa Types and Requirements

Visiting Program participants who are foreign nationals must have valid working visas, which include the following:

J-1 exchange visitor, research scholar or specialist (usually limited to 36 months). The other categories of J-1 visas are:

- (a) student--at universities only. J-1 student category visa may not be changed to J-1 research scholar or specialist;
- (b) trainee--practical training following receipt of degree from U.S. university limited to 18 months, no change of status after 18 months. No transfer to another category of J-1 is permitted;

- (c) teacher--secondary schools only;
- (d) professor--university/college only;
- (e) international visitor--observation of educational and research institutions only;
- (f) professional trainee--residency programs.  
Educational Commission for Foreign Medical Graduates (ECFMG) sponsored only.

The maximum eligibility for a J-1 research scholar or specialist visa holder is 36 months. However, USIA has granted an exception for NIH, and our eligibility limit is 5 years for research scholars. On a case-by-case basis INS may extend the J-1 coverage for an additional 2 years to correspond with NIH's stated objective of a total maximum (lifetime) participation in the Visiting Program of 7 years (includes former years of participation). NIH, however, may not agree to any request to transfer to a different J-1 program once an individual has completed 3 consecutive years in the United States under a J-1 visa. NIH cannot transfer to our J-1 visa program individuals who have completed 3 years at another institution.

F-1 student (for practical training after award of doctoral degree; limited to a maximum of 12 months with no exceptions).

H-1 temporary worker (for distinguished merit and ability in the arts and sciences to perform services for an employer). Visiting Fellows are ineligible for H-1 visas.

A-1 diplomatic - ambassador, public minister, career diplomat or consular officer and members of their immediate families.

A-2 diplomatic - other foreign government officials or employees and members of their immediate family.

G-4 international organization (dependents with employment authorization).

permanent resident (status adjusted after lawful admittance as a nonimmigrant).

## Visa Types and Requirements

immigrant - essentially same as permanent resident, but alien entered the U.S. in this status rather than being adjusted after arrival.

The BIDs are obligated to provide guidance to participants to enable them to complete the objective for which they sought entry into the United States and to encourage their return abroad.

All nonresident alien participants are required to have a passport valid for at least 6 months beyond the expiration date of their authorized stay in the United States.

### Foreign Medical Graduates in Research

FSAB is authorized to sponsor J-1 visa status for foreign physicians to enable them to come to the U.S. and NIH for the primary purpose of observation, consultation, teaching or research under the following two situations.

All FMGs will have one of the following certifications attached to the Form IAP 66 which is submitted to a U.S. consul to apply for a J-1 visa. Since foreign physicians are at most authorized to have only incidental patient contact, they need not have passed the Visa Qualifying Exam (VQE) or the new Foreign Medical Graduate Examination in the Medical Sciences (FMGEMS), which replaced the VQE in July 1984.

1. Solely for the purpose of observation, consultation, teaching, or research in which there is no element of patient care services involved certified by Responsible Officer of NIH's J-1 program; or
2. Primarily for research that also involves incidental patient contact. The Associate Director for Medical Education (ADME), CC, must certify to the following four points. (FSAB staff prepares this certificate and obtains signature of the Associate Director for Medical Education, CC.1/) (Participants involved in incidental patient contact must be approved by the credentials committee of the Medical Board of the Clinical Center.)

1/ The need for this type of certificate must be clearly stated in the Form NIH 829-1 Request for Appointment to the NIH Visiting Program. A detailed statement of the proposed "incidental patient contact" must also be submitted by the sponsor which will be

reviewed by the Associate Director for Medical Education, CC, before he/she will sign the certification.

- (a) The program in which the foreign physician will participate is predominantly involved with observation, consultation, teaching, or research.

#### Visa Types and Requirements

- (b) Any incidental patient contact involving the foreign physician will be under the direct supervision of a physician who is a U.S. citizen or permanent resident who meets the applicable PHS requirements for patient care.
- (c) The foreign physician will not be given final responsibility for the diagnosis and treatment of patients.
- (d) Any experience gained in this program will not be creditable toward any clinical requirements for medical specialty board certifications.

#### Appendix 2 - Income Tax Provisions

Income tax provisions vary according to the type of visa issued, the tax treaty existing between the United States and the participant's country, and the Internal Revenue Service (IRS) interpretation of the participant's individual status. (Treaty exemption of Federal taxes does not exempt the participant from the State taxes, which VFs must pay on a quarterly, estimated basis and VAs and VSs may have withheld.)

1. All resident aliens (individuals who have been lawfully admitted as immigrants or who have had their status adjusted to permanent resident) must:
  - (a) file quarterly estimated Federal income tax returns (IRS Form 1040 ES);
  - (b) file quarterly estimated State and local income tax returns to the State of residence;
  - (c) obtain IRS Form 1099 from the Fellowship Payroll Unit, DFM; and

(d) file an annual IRS Form 1040.

2. All nonresident aliens (individuals who hold J-1, F-1, A-2, or G-4 visas) must:

(a) have Division of Financial Management (DFM) withhold Federal(alien) income tax from all stipends paid to him/her;

(b) file quarterly estimated State and local income tax with his/her State of residence; and

(c) obtain IRS Form 1042S from DFM;

(d) receive Form 1099 from DFM (for those who are nonresident aliens claiming residence for income tax purposes by having filed IRS Form 1098 or who are exempt from Federal taxes by treaty).

All participants are urged to obtain IRS Publications 518 and 519 from the local IRS office.`

### Appendix 3 - Benefits Available to Visiting Associates and Visiting Scientists

Benefits	Length of Appointment	
	12 Months	13 months 1/
Retirement	No	Yes 2/
Retirement & Social Security Tax	No	Yes 3/
Social Security Tax	Yes-if resident alien, U.S. citizen, or non-resident on H visa	Yes 4/
Medicare Tax	No-if non-alien on J-1 visa	No-if non-resident alien on J-1 visa
Overtime, Night, & Holiday Pay	Does not	Does not

	apply	apply
Compensation for Injury in the Performance of Duties	Yes	Yes
Conduct (Requirements and Restrictions on Political Activity, Outside Work, Honoraria, etc.)	Yes	Yes
Federal Employees Group Life Insurance (FEGLI)	No	Yes

1/When VAs and VSs have been initially appointed for 13 months or longer, they retain their benefits regardless of the length of subsequent appointment extension.

2/If reappointed after January 1, 1984, with less than a 365-day break in service from an appointment that conferred retirement.

3/If first employed by the Federal Government after January 1, 1984, in a 13-month appointment. The basic tax laws prohibit Social Security deductions for individuals who are nonresident aliens on J-1 visas.

4/See Retirement and Social Security above. (Deductions for Social Security tax are not refundable.) Benefits Available to Visiting Associates and Visiting Scientists

Benefits (continued)	Length of Appointment	
	12 Months	13 months
Federal Employees Health Benefits Program	No 5/	Yes 6/
Leave (Annual and Sick	Yes	Yes
Occupational Medical Service	Yes	Yes
Withholding Taxes (Federal & State)	Yes	Yes
Training at Government Expense	Yes	Yes

Training is not a benefit like the others mentioned in this



section; however, it is available when the training is necessary for performing assigned work, and can be approved under the NIH Manual 2300-410-1 Training Policy. (Visa restrictions still apply for nonimmigrants. See Section E. Program Provisions.) The pertinent training requirements are:

1. The training period cannot exceed the period of appointment.
2. For non-Government training, a waiver of the minimum service is required.
3. Training that requires a service obligation may not be authorized when the appointment date expires before the service can be completed.

5/Through the Foundation for Advanced Education in the Sciences (FAES), a special comprehensive program of group health benefits (Blue Cross-Blue Shield) is offered to VAs and VSs who are ineligible for FEHBP group health plans. It is the personal responsibility of the scientist to apply for this coverage within 30 days after entry on duty and to pay the monthly premiums at the FAES Office.

6/The BID personnel office is responsible for processing the application for Federal Employees Health Benefits Program insurance for VAs and VSs on 13-month appointments.

4. Employees may be liable for reimbursement to the Government, if training is not satisfactorily completed.

#### Appendix 4 -Time Frames Involved in Action Initiation and Implementation of Award or Appointment

Deadlines for receipt of materials in FSAB are:

1. For initiation of award: Minimum of 90 days before proposed effective date
2. For terminations: Minimum of 60 days before proposed termination date

3. For renewals: Minimum of 60 days before expiration of current award/appointment, or participant's stay in the United States.
4. For stipend increase other than at renewal or extension of award or appointment: 60 days minimum before proposed effective date for VFs; 30 days, minimum for VAs and VSs.

Appendix 5 - Processing: Completion of SF-52's, Entries Into TAPS, and Collection of Minority Data for Personnel Actions on Visiting Associates and Scientists

A. Entries on the SF 52, Request for Personnel Action

1. Entries made by the BID Personnel Offices

- a. Personnel Offices must complete all parts of the SF-52 appropriate for the type of action being requested except for the parts listed in item 2 below.
- b. Part I, block H, Approved by, must be signed by the BID Director or his/her designee.
- c. In Part II, blocks 22 and 29, Pay Plan and Occupational Code, enter "AD" followed by the classification series number that would apply if the position were under the General Schedule.
- d. In Part II, block 39, items F through H, enter the highest educational level. Information pertaining to all degrees must be provided on a TAPS (TDCS-ARMS Personnel System) Supplemental Worksheet (see the NIH Personnel Handbook 292-1).
- e. Part III, Clearances, block A-5, must be signed by the Deputy Director for Intramural Research, NIH, or the Associate Director for Intramural Affairs, NIH.
- f. Part IV, Employee Resignation/Retirement, blocks A through E, should be completed by the employee. When a resignation is made orally, the employee should be asked to confirm the resignation in

writing. If this is not possible, the person to whom the resignation request was made should document the request on the SF-52 or write a memo for the record and attach the memo to the SF-52. At a minimum, the person must state the date on which the employee made the oral request, the effective date of the resignation, and the reason given by the employee. When the statement is not written by the person who received the oral resignation, it must include the name of the person who received the request.

2. Entries made by the Foreign Scientists Assistance Branch (FSAB), Fogarty International Center (FIC)
  - a. The FSAB, FIC, will complete the following parts of the SF-52 appropriate for the type of action being requested:
    - Part II, block 2, Social Security Number, in cases where the employee is not a citizen of the United States or a resident alien.

Processing: Completion of SF-52's, Entries Into Taps, and Collection of Minority Data for Personnel Actions on Visiting Associates and Scientists

- Part II, block 8, Retirement
- Part II, block 9, FEGLI
- Part II, block 14, Effective Date
- Part II, blocks 18 A/B and 19 A/B, NOAC, Nature of Action and NTE date
- Part II, blocks 18 E/F and 19 E/F, Authority Code or Other Legal Authority

3. Entries made by the Systems and Actions Branch, DPM or Agents of the NIH Servicing Personnel Office
  - Part II, block 6, Service Computation Date

B. Entries Into the NIH Official Personnel Data System, TDCS-ARMS Personnel System (TAPS)

1. Visiting Scientists and Visiting Associates under the "AD" pay plan are identified in the NIH personnel data system (TAPS) by the use of a "grade" code known as the Scientific Program Identifier (see data element 054 in the NIH Personnel Handbook 292-1). BID personnel offices are to prepare a TAPS Supplemental Worksheet, filling in any other appropriate items, attach it to the SF-52, and send it to the Systems and Actions Branch, DPM, where the data will be entered into TAPS. For Agents of the NIH Servicing Personnel Office (NCI, NHLBI, NIEHS, and NLM), the procedure is the same as above, except the TAPS worksheet should be attached to an SF-50B. Visiting Fellows are not entered into TAPS since they are not considered to be NIH employees.

C. Distribution of SF-50B, Notification of Personnel Action

1. BID Personnel Offices must send to the FSAB, FIC, a copy of all SF-50Bs pertaining to Visiting Program participants.

D. Collection of Minority Data

1. The BID Servicing Personnel Office is responsible for the collection of minority data (VAs and VSs).
2. Voluntary self-identification will be the primary mode of data collection. The BID/SPO must provide each employee the opportunity to voluntarily provide his/her race and national origin data using the

Processing: Completion of SF-52's, Entries Into Taps, and Collection of Minority Data for Personnel Actions on Visiting Associates and Scientists

SF-181, Race and National Origin Identification. The race and national origin data submitted by employees must be accepted as being correct. In those unusual cases where it is believed the code provided by the employee is manifestly inaccurate, the employee should be counselled as to the purpose for which the data are being collected, the need for accuracy, the agency's recognition of the sensitivity of the data, and the existence of the procedures to prevent unauthorized

access to the data. If, after counseling, the employee still declines to change the categorization that was selected, the categorization provided by the employee must be accepted.

If an employee chooses not to complete the SF-181, a visual identification should be made based on a perceived classification. The employee should be informed of this procedure.

## Appendix 6 - "Intent for Tenure" Procedures

The Visiting Program is intended to be an exchange program, and VAs and VSs are expected to return to their home countries after their term of appointment. BIDs are responsible for encouraging their return. In rare instances, the NIH may wish to retain a scientist as a VA or VS beyond 7 years participation in the Visiting Program. Such scientists must be proposed and approved for "intent for tenure" status. All request for such cases of "intent for tenure" must be submitted in writing to the Deputy Director for Intramural Research, NIH, or Associate Director for Intramural Affairs, NIH, and must be reviewed and recommended by the NIH Board of Scientific Directors.

The NIH sponsor of a VA or VS requests approval to grant "intent for tenure" to a VA or VS by submitting a memorandum of recommendation, and a current curriculum vitae and bibliography, through the same channels as described in Part F. 1. a. of this chapter. The memorandum of recommendation should include the following:

- (1) a statement identifying the nature of the request;
- (2) a summary of the VA's or VS's scientific contributions and achievements;
- (3) an explanation of why the VA or VS would be a valuable addition to the permanent research staff of the NIH;
- (4) a discussion of the VA's or VS's plans for acquiring eligibility for a permanent Civil Service appointment; and
- (5) an analysis of citations to their published papers

from the Science Citation Index.

Since citizenship is a prerequisite for a permanent Civil Service position, VAs and VSs proposed for tenure who are not presently permanent residents of the United States will require NIH sponsorship for permanent residency status and subsequent acquisition of U.S. citizenship. There will be no official NIH support for permanent residency status for a VA or VS until a decision for "intent for tenure" has been reached through open discussion by the NIH Board of Scientific Directors and approved by the Deputy Director for Intramural Research, NIH, or Associate Director for Intramural Affairs, NIH. Therefore, all proposals for "intent for tenure" for VAs or VSs who do not have permanent residency status should also include a request for NIH support for permanent residency status. "Intent for Tenure" Procedures

Permanent resident visa numbers are not always available and may require a waiting period of several months. These requests should be made by memorandum and address the following factors:

Why a vacancy is not being filled by a U.S. citizen and what attempts were made to recruit a U.S. citizen.

A clear statement that, in addition to requesting approval for "intent for tenure," a request is also being made for NIH support to petition for permanent residency status for the VA or VS.

A summary of the outstanding scientific achievements and international reputation and stature of the VA or VS.

An indication of why the VA or VS would be of value to the NIH and the United States were he/she to be admitted into the country on a permanent basis.

A statement that the BID intends to seek appointment to a permanent Civil Service position when the VA or VS obtains his/her U.S. citizenship.

When NIH files for permanent residency, it is on the basis of what is called "Third Preference" for an alien of distinguished world renown in the research discipline or field being proposed. There must be proof that the individual's work in that field during the past year did, and will continue to require exceptional ability. Documentation of widespread acclaim includes:

receipt of internationally recognized prizes or awards for excellence in the proposed field;

membership in associations in the field for which the individual is being proposed, which requires outstanding achievement of their members as judged by international experts in the field;

published material in professional publications about the individual's work in the proposed field;

evidence of the individual's participation on a panel, or individually, as a judge of the work of others in the same or allied field for which he/she is being proposed;

evidence of original scientific or scholarly research contributions of major significance in the propose field;

#### "Intent for Tenure" Procedures

evidence of the individual's authorship of published scientific or scholarly articles in the proposed field in international professional journals or professional journals with an international circulation.

In exceptional cases, NIH may wish to recruit a senior scientist as a Visiting Scientist with "intent for tenure" immediately upon entry into NIH. Such requests must be approved in advance by the Deputy Director for Intramural Research, NIH, or the Associate Director for Intramural Affairs, NIH. Request for this type of Visiting Program exception should be documented and cleared through the same administrative channels indicated in Part F. 1. a of this issuance. In addition, a Form NIH 829-1 and an SF 52 should accompany all such requests. Documentation of worldwide acclaim mentioned above must also be supplied.

VAs and VSs approved for " intent for tenure" are expected to establish their eligibility for appointment to a permanent position at the earliest possible date. Extensions for program participants approved for "intent for tenure" should be processed in the same manner as appointment extensions and renewals (see Part F. 2.); however, their memorandum of recommendation should be brief, indicating that the VA or VS has been approved for tenure and summarizing his/her progress toward establishing eligibility for permanent appointment.

Once eligibility for tenure is established, appointment to a permanent position in the Civil Service or Commissioned Corps should proceed as quickly as possible and in accordance with established procedures. Implicit in the approval for "intent for tenure" is the approval to convert the scientist to a permanent GS-GM or higher grade level position proposed by the BID, unless the NIH Board of Scientific Directors specifically requests the resubmission. If at the time of conversion, the BID wishes to appoint the person at a higher grade level than that approved at "intent for tenure" it must submit the request through BID review procedures to the Deputy Director for Intramural Research, NIH.

The BID Personnel Officer notifies the FSAB, FIC, immediately of all conversions of VAs and VSSs to competitive Civil Service positions.

## Appendix 7 - Departure

**Certificate of Compliance** Foreign participants leaving the United States are required to obtain a certificate of compliance (also called a "sailing permit" or "exit permit") from the Internal Revenue Service (IRS) before they leave the United States either permanently or for a short stay. The certificate shows that all income taxes to the U.S. Government have been paid. To obtain a certificate of compliance, the Visiting Program participant must fill out Form 1040C, U.S. Departing Alien Income Tax Return. The completed form and the following documents are then presented by the alien to the local IRS office:

- (1) passport and INS Form I-94 for nonimmigrant aliens; (2) travel ticket or confirmation of the reservation;
- (3) proof of status in the United States (including letter of appointment to NIH);
- (4) statement from NIH showing wages paid and taxes withheld from January 1 of the current year to the date of departure;
- (5) proof of U.S. income tax withheld or paid for any previous years in the United States (copies of IRS Form 1040 NR or Standard Form 1040).

**NOTE:** A certificate of compliance ("sailing permit") is only for departure from the United States and covers the calendar year in which departure occurs. An annual income tax return still must be filed by April 15.



## Appendix 8 - Glossary of Terms

1. Consular Officer....Any consular, diplomatic, or other officer of the United States designated under regulations prescribed under authority contained in the Immigration and Nationality Act, as amended, for the purpose of issuing immigrant or nonimmigrant visas.
2. Dependents or immediate family..Spouse and unmarried children under age 21 who accompany the principal alien to the United States and who will reside with the principal alien.
3. ECFMG.....Educational Commission for Foreign Medical Graduates (Philadelphia).
4. ECFMG Certification..Certification given to an FMG who has successfully completed the full medical curriculum prescribed by the medical school and by the country in which it is located; fulfilled all the medical requirements to practice medicine in the country in which the medical education was received; has obtained an unrestricted license or certificate of registration to practice medicine in that country; has obtained a sealed score of 75 or higher on the medical portion of the ECFMG examination and passed the ECFMG English test or a regularly scheduled international or special administration of the Test of English as a Foreign Language (TOEFL).
5. ECFMG Examination...An examination to evaluate the medical credentials of foreign medical graduates.
6. Extension of stay...A request for INS to extend the approved stay in the United States. Requests for extension of stay in the United States are to be filed with the INS 30 days prior to the current termination date.

FSAB, FIC, must prepare the necessary  
documentation. Glossary of Terms

7. FNG.....Foreign medical graduate. A physician whose basic medical degree was received from a medical school outside the United States, Puerto Rico, and Canada that is listed in the World Directory of Medical Schools, published by the World Health Organization. U. S. citizens who have completed their medical education in schools outside the United States, Puerto Rico, and Canada are considered to be "foreign medical graduates," while foreign nationals who have graduated from medical schools in the United States, Puerto Rico, and Canada are not.
8. FMGEMS.....Foreign Medical Graduate Examination in the Medical Sciences. A new examination that replaces both the present ECFMG examination and the VQE Examination and was administered for the first time in July 1984. This is a two-day examination designed to assess the knowledge of all graduates of foreign medical schools in the basic and clinical sciences. Passing the FMGEMS examination will enable all graduates of foreign medical schools to meet the medical science examination requirement for ECFMG certification. Such certification is required of both alien and U.S. citizen graduates to enter residency or fellowship programs accredited by the Accreditation Council for Graduate Medical Education (ACGME). Passing the FMGEMS examination also satisfies the requirements of the 1976 and 1977 amendments to the Immigration and Nationality Act (P.L. 94-484).

## Glossary of Terms

9. Form I-94.....Arrival and departure record. An Immigration and Naturalization Service

form which shows the alien's United States admission number and INS stamp showing the alien's port of entry into the United States, the date entered, the visa classification issued (i.e., J-1, B-1, etc.) and the date the alien's stay in the United States expires.

10. Form IAP 66.....Certificate of eligibility for (J-1) exchange visitor visa. A controlled form that is prepared by FSAB, FIC, and sent to an individual to be used to apply for a J-1 visa or for extension of stay in the United States.
11. Immigrant visa.....Alien is admitted into the United States for "permanent residence," i.e., there is no restriction on how long the alien may remain in the United States and he/she may engage in virtually every legitimate activity in which a United States citizen may engage. Voting and eligibility for regular civil service appointments are two notable exceptions.
12. INA.....Immigration and Nationality Act.
13. INS.....Immigration and Naturalization Service, Department of Justice.
14. NBME.....National Board of Medical Examiners.
15. Nonimmigrant visa...Temporary, time-limited authorization to apply for admission at a port of entry into the United States. The validity of a nonimmigrant visa relates only to

## Glossary of Terms

the period during which the alien to whom it was issued may use it to apply for admission to the United States. The alien may only engage in activities compatible with the particular non-immigrant classification that has been accorded to him/her.

An applicant for a nonimmigrant visa is presumed to be an immigrant until he/she establishes to the satisfaction of the consular officer that he/she is going to return to his/her country. The burden of proof is upon the applicant, not NIH, to establish that he/she is eligible for nonimmigrant classification and for the type of nonimmigrant visa being sought, and that he/she is not excludable under some provision of the Immigration and Nationality Act, as amended. One such provision is that the alien must have a residence in the home country which he/she has no intention of abandoning. Another is that the purpose of coming to the United States must be consistent with the individual's activities in the home country. Still another factor is whether the skills the alien expects to acquire in the United States can be effectively utilized in the country to which he/she will be returning. This is particularly true in areas where certain professional skills are in oversupply or where the application of such skills is limited by the absence of technical equipment.

The decision to issue any visa is delegated to the consular officer who must be completely satisfied that the alien is eligible for nonimmigrant classification. NIH is not in a position to certify the intentions of any individual. Contact with a consular officer must be made through the Chief, FSAB, FIC.

Glossary of Terms

The period of validity of a nonimmigrant visa has no relationship to the time the alien may be authorized by the INS authorities to stay in the United States. The period of validity and the number of admissions are prescribed in schedules made available to the consular officers of the Department of State and reflect, as nearly as practicable, the reciprocal treatment accorded U.S. Nationals by the Government of the country of which the alien is a National or stateless resident.

16. Passport.....Any travel document issued by competent authority showing the bearer's origin

and identity, which is valid for the entry of the bearer into a foreign country. For coming to the United States, a passport must be valid for 6 months beyond the expected date of departure from the United States.

17. Port of entry.....A port or place designated by the Commissioner of Immigration and Naturalization, Department of Justice, at which an alien may apply for admission into the United States.
18. Principal Alien.....An alien from whom another alien derives a privilege or status under the law or regulations.
19. Responsible Officer..The person designated by the United States Information Agency and Department of State who is responsible for NIH's J-1 visa program. The Chief, FSAB, FIC, is NIH's Responsible Officer.
20. Termination of stay..The date beyond which an alien may not legally remain in the United States.
21. USIA.....United States Information Agency

## Glossary of Terms

22. VQE.....Visa Qualifying Examination.  
Examination program of the National Board of Medical Examiners (NBME) administered by ECFMG. The 1967 and 1977 amendments to the Immigration and Nationality Act established new requirements for the admission of foreign medical graduates to the United States to perform medical services, or to receive graduate medical education or training. These amendments require FMGs to pass the NBME examinations parts 1 and 2 or an examination determined to be equivalent by the Secretary of HEW, now the Secretary of HHS, and to be competent in written and oral English.

In 1977 the Secretary of HEW determined that a special two-day examination, which was developed by NBME is equivalent to the NBME examinations parts 1 and 2 for the purpose of the law.